

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Monique West	Team: Team # 5	CCRB Case #: 201403994	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/24/2014 2:00 PM	Location of Incident: TD 30 stationhouse; 79th Precinct stationhouse	Precinct: 79	18 Mo. SOL 10/24/2015	EO SOL 10/24/2015	
Date/Time CV Reported Thu, 04/24/2014 3:51 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 04/24/2014 3:51 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Keith Chatterton	07323	925067	079 PCT
2. DT3 David Lambert	00601	924049	079 DET
3. DT3 Francisco Tejada	03365	939562	079 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kevin Mcleish	09951	928758	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Keith Chatterton	Discourtesy: At the Transit District 30 stationhouse, PO Keith Chatterton spoke rudely to § 87(2)(b)	
B.DT3 David Lambert	Abuse: At the 79th Precinct stationhouse, Det. David Lambert threatened to arrest § 87(2)(b)	
C.DT3 Francisco Tejada	Abuse: At the 79th Precinct stationhouse, Det. Francisco Tejada threatened § 87(2)(b) with the use of force.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On April 24, 2014, § 87(2)(b) filed the following complaint in person at the Civilian Complaint Review Board (CCRB) (encl. C1-3).

On April 24, 2014, at approximately 2 p.m., § 87(2)(b) was at the Transit District 30 stationhouse to file a police report when he encountered Officer Keith Chatterton and Officer Kevin McLeish of the 79th Precinct. He later encountered Det. David Lambert and Det. Francisco Tejada of the 79th Precinct detective squad, at the 79th Precinct stationhouse. The following allegations resulted:

- **Allegation A- Discourtesy: At the Transit District 30 stationhouse, PO Keith Chatterton spoke rudely to § 87(2)(b) § 87(2)(g)**
§ 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation B- Abuse: At the 79th Precinct stationhouse, Det. David Lambert threatened to arrest § 87(2)(b) § 87(2)(g)**
§ 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- **Allegation C- Abuse: At the 79th Precinct stationhouse, Det. Francisco Tejada threatened § 87(2)(b) with the use of force. § 87(2)(g)**
§ 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
- § 87(4-b), § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)
§ 87(2)(b) § 87(2)(g)

Results of Investigation

Civilian's Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) *is a black man who stands 6'3" tall and weighs 185 pounds. He has black hair and brown eyes.* § 87(2)(b)
§ 87(2)(b) § 87(2)(b)

CCRB Testimony

On April 24, 2014, § 87(2)(b) was interviewed at the CCRB (encl. C6). On April 29, 2014 and September 18, 2014, § 87(2)(b) provided additional information to the CCRB over the phone (encl. C7-8), § 87(2)(g).

On April 24, 2014, at approximately 2 p.m., § 87(2)(b) went to the Transit District 30 stationhouse, located at the Hoyt-Schermerhorn train station, to file a police report. Two officers, who § 87(2)(b) identified as Officer Keith Chatterton and Officer Kevin McLeish of the 79th Precinct, arrived to take his report because the incident that he was reporting occurred within the confines of the 79th Precinct. § 87(2)(b) told them that he needed a police report and explained why.

Officer Chatterton, described by § 87(2)(b) as a 6'0" tall white male with blue eyes and blond/light brown hair with a medium build of approximately 186 pounds, told him that he had to ask him some questions before he could prepare a police report for him. Officer Chatterton asked

§ 87(2)(b) what took him so long to report the incident. § 87(2)(b) told him that he was scared for his life. Officer Chatterton asked § 87(2)(b) what happened. § 87(2)(b) told him that a guy from around his neighborhood pointed a gun at him and stole his wallet. He told Officer Chatterton that he got his wallet back but his identification was missing from it.

Officer Chatterton said, "I don't have time for this shit." § 87(2)(b) took down Officer Chatterton's badge number and told him to watch his mouth. § 87(2)(b) explained that his identification had been stolen and that he needed a police report in order to get reimbursed by the DMV.

Officer Chatterton and Officer McLeish transported § 87(2)(b) to the 79th Precinct stationhouse and took him into the detectives' office. A detective, identified through the investigation as Det. David Lambert of the 79th Precinct detective squad and described by § 87(2)(b) as a 5'7"-5'9" tall Hispanic male with black hair and an athletic build of approximately 180 pounds, went on Google maps and asked § 87(2)(b) to point out the location where he was robbed. § 87(2)(b) pointed out the location. Another detective, who had not been involved, identified through the investigation as Det. Francisco Tejada and described by § 87(2)(b) as a 5'8" tall Hispanic male with medium length black hair and a heavy build of approximately 230-250 pounds, told § 87(2)(b) that he had two minutes to get out of there or he would arrest him for "false arrest."

The detectives told § 87(2)(b) to tell the truth. § 87(2)(b) told them that he was telling the truth and asked them if they were calling him a liar. Det. Tejada stood up with his hand in a fist, in a "cocked back" motion. Det. Tejada stood within arm's reach of § 87(2)(b). He called § 87(2)(b) a liar and told him that he would arrest him for making a false police report. § 87(2)(b) had no idea why they assumed that he was lying. § 87(2)(b) left the office without receiving a police report.

On September 18, 2014, the undersigned spoke to § 87(2)(b). He stated that the robbery he was attempting to file a police report for occurred on § 87(2)(b). He was robbed and kidnapped by Officer Andrew Ho and his supervisor. According to § 87(2)(b) it was a "so-called" arrest. He stated that it was actually a kidnapping because a gun was pointed at his head for no reason and there was nothing he could do about a gun being pointed at his head. The officers beat him up, violated him, frisked him, pointed a gun at his head, "stole" his identification and his afro pick. This is the incident as he described in another CCRB complaint—case #§ 87(2)(b) § 87(2)(b) originally stated that when he went to report the incident to the detectives, he did not give them this information. He took back that statement and stated that he provided the detectives with Andrew Ho's name and his supervisor's name.

NYPD Statements:

Subject Officer: OFFICER KEITH CHATTERTON

- *Officer Keith Chatterton is a white man who stands 6'2" tall and weighs 200 pounds. He has blond hair and blue eyes. At the time of the incident, he was § 87(2)(b) old.*
- *On April 24, 2014, Officer Chatterton worked in uniform from 7:05 a.m. until 3:40 p.m. with Officer McLeish. He was assigned to sector ABGM in a marked vehicle.*

Memo Book (encl. D2-3)

At 2 p.m., Officer Chatterton was assigned to Transit District 30 from the 79th desk to see § 87(2)(b) who stated that he was robbed at gun point on Bedford Avenue between Lafayette Avenue and DeKalb Avenue. Officer Chatterton then asked § 87(2)(b) several questions: who, what, when and where. § 87(2)(b) stated that on § 87(2)(b) in his mom's car, an unknown model and unknown make with an unknown plate, a perpetrator took his license and his money.

All § 87(2)(b) wanted was \$17 because he had to pay for a new ID. He only wanted a police report. § 87(2)(b) then refused to answer any other questions. He then took all officers shield numbers and names. § 87(2)(b) stated that the perpetrator did place a gun to his head and stated to get the fuck out of the car. When asked for the perpetrator's name, § 87(2)(b) answered Andrew Ho who lives at § 87(2)(b). Perpetrator: § 87(2)(b) § 87(2)(b) § 87(2)(b) was arrested on § 87(2)(b) by PO Ho. Arrest # § 87(2)(b) for § 87(2)(b). At 3:40 p.m., the job was marked as unnecessary.

CCRB Testimony

On May 12, 2014, Officer Chatterton was interviewed at the CCRB (encl. D5-6). § 87(2)(g)

Officer Chatterton arrived at the Transit District 30 stationhouse and approached § 87(2)(b). Officer Chatterton asked § 87(2)(b) if he filed a police report since the incident and he stated that he had not. § 87(2)(b) gave one word answers to all of Officer Chatterton's questions and he smiled after answering the questions. At one point, he refused to answer any more questions. When Officer Chatterton asked for the information for § 87(2)(b)'s mother's car, he told him that his mother got her car back and that he did not know the license plate number. § 87(2)(b)'s answers were not adding up.

Officer Chatterton asked § 87(2)(b) why he was making a police report on April 24th when he was robbed at gun point on § 87(2)(b). He told § 87(2)(b) that if someone pointed a gun at him, he would've made one right away. § 87(2)(b) wrote down Officer Chatterton's and Officer McLeish's name and badge number.

Officer Chatterton told § 87(2)(b) to start from the beginning. He asked § 87(2)(b) why he went to Transit District 30 stationhouse to file a police report if he knew that the incident happened near the 79th Precinct stationhouse. Officer Chatterton sensed that § 87(2)(b) wasn't being forthcoming in his answers. It sounded like he was making up answers to Officer Chatterton's questions. § 87(2)(b) kept insisting that he needed 17 dollars for a new identification card. He told Officer Chatterton that if he gave him \$17 then this could be over. When Officer Chatterton further questioned § 87(2)(b), § 87(2)(b) clammed up and did not say anything else to Officer Chatterton.

Officer Chatterton and Officer McLeish took § 87(2)(b) to the 79th Precinct detective squad to be interviewed, as per procedure. § 87(2)(b) was brought upstairs to the BRAM (burglary/robbery squad) unit. There were three or four detectives in the room. Officer Chatterton left § 87(2)(b) in the room. Officer Chatterton stayed outside the room while § 87(2)(b) was interviewed. Officer Chatterton could not hear any conversation from where he was standing outside the room. Five minutes later, § 87(2)(b) walk out of the precinct on his own. The detectives told Officer Chatterton to make sure he went down the stairs and straight out. Officer Chatterton watched him walk out. § 87(2)(b) walked out casually and did not say anything to Officer Chatterton. Officer Chatterton could not tell what § 87(2)(b)'s demeanor was because he could not see his face.

Officer Chatterton did not say, "I don't have time for this shit" or use any profanity.

Witness Officer: OFFICER KEVIN MCLEISH

- *Officer Kevin McLeish is a black man who stands 5'4" tall and weighs 165 pounds. He has brown hair and hazel eyes. At the time of the incident, he was § 87(2)(b) old.*
- *On April 24, 2014, Officer McLeish worked in uniform from 7:05 a.m. until 3:40 p.m. with Officer Chatterton. He was assigned to sector AB/GM within the 79th Precinct in marked vehicle #3214.*

Memo Book (encl. D9-11)

At 1:33 p.m., Officer McLeish received a precinct assignment to Transit District 30 located at Hoyt Street & Schermerhorn Street. At 2 p.m., he arrived at Transit District 30. Upon arrival, the desk sergeant at Transit District 30 advised him that § 87(2)(b) was waiting for them. They advised the TD 30 desk sergeant that their desk sergeant sent them over. § 87(2)(b) stated to them that he got robbed at gunpoint on § 87(2)(b) on Bedford Avenue between Lafayette Avenue and Dekalb Avenue. § 87(2)(b) stated that the perpetrator came up to his head and shouted, "Get out of the fucking car." The perpetrator then went through his pockets and took his wallet, driver's license and money. § 87(2)(b) was very combative with officers, taking down their names and shield numbers at Transit District 30. Officers asked § 87(2)(b) what the perpetrator's name was and where he lived. § 87(2)(b) was still being combative and stated that the perpetrator's name was "Andrew Ho and lives at § 87(2)(b)." He then started laughing. § 87(2)(b) was then taken to the 79th Precinct to speak to BRAM detectives. Officers were advised by Det. Lambert that § 87(2)(b) was arrested by PO Andrew Ho for DWI on § 87(2)(b), at Bedford Ave and Dekalb Ave and he refused to take breath analyzer test. § 87(2)(b) § 87(2)(b). 6'2" tall, brown eyes, black hair. § 87(2)(b) kept asking for a police report because he wanted \$17 back for spending it on a driver's license. § 87(2)(b) was lying and was asked to leave the precinct.

CCRB Testimony

On May 8, 2014, Officer McLeish was interviewed at the CCRB (encl. D13-14). § 87(2)(g)

Officer Chatterton asked § 87(2)(b) some questions regarding why he wanted to make a police report. § 87(2)(b) would not answer these questions. He only looked at Officer Chatterton in response. § 87(2)(b) asked Officer Chatterton for his name and shield number. Officer McLeish did not recall if Officer Chatterton used profanity or said, "I don't have time for this shit."

§ 87(2)(b) was taken to the 79th Precinct stationhouse. Officer McLeish was not in the office with Det. Lambert and § 87(2)(b). He waited outside and could not hear anything that was said inside the room. Officer McLeish did not know if § 87(2)(b) spoke with any other detective besides Det. Lambert.

Det. Lambert later informed Officer McLeish that § 87(2)(b) was making a false police report. He told him that § 87(2)(b) was arrested for § 87(2)(b) by an officer named Andrew Ho the day that he was allegedly robbed. Det. Lambert did not tell him anything else.

Subject Officer: DET. DAVID LAMBERT

- *Det. David Lambert is a Hispanic man who stands 5'8" tall and weighs 190 pounds. He has black hair and brown eyes. At the time of the incident, he was § 87(2)(b) old.*
- *On April 24, 2014, Det. Lambert worked in plainclothes from 8 a.m. until 4 p.m. with Det. Tejada. He was assigned to the 79th Precinct detective squad and worked at the stationhouse.*

Memo Book (encl. D16-17)

Det. Lambert had no memo book entries for this incident.

CCRB Testimony

On May 22, 2014, Det. Lambert was interviewed at the CCRB (encl. D19).

On April 24, 2014, at approximately 2 p.m., Officer Chatterton and Officer McLeish had brought in a victim, identified through the investigation as § 87(2)(b) to be interviewed regarding an alleged robbery. Officer Chatterton and Officer McLeish left the office after dropping § 87(2)(b) off. Det. Lambert was the lead investigator on the case and his partner, Det. Tejada was in the office with them. There were no other detectives or officers in the office at the time.

§ 87(2)(b) alleged that he was robbed by two males at gunpoint. He provided Det. Lambert with the date, time and location of the robbery. Det. Lambert asked § 87(2)(b) questions about the robbery and asked for descriptions of the males. § 87(2)(b) was vague in his answers and gave brief descriptions of two males with guns. He did not provide names. Det. Lambert attempted to get more information out of him. § 87(2)(b) stated that they stole his driver's license and that he wanted \$17.50 for it.

Det. Lambert put the date, time and location that § 87(2)(b) was alleging that he had been robbed and entered it into the computer. Det. Lambert discovered that the exact date, time, and location that § 87(2)(b) was alleging the robbery happened, he had been arrested by the 79th Precinct for § 87(2)(b).

Det. Lambert informed § 87(2)(b) that he had been arrested for § 87(2)(b). § 87(2)(b) replied that he still wanted his \$17.50. Det. Lambert explained during his interview and to § 87(2)(b) that when someone is arrested for § 87(2)(b) their license is taken away, vouchered, and sent to Albany. He also explained to § 87(2)(b) that it is a misdemeanor to make a false report and that he could be arrested. § 87(2)(b) continued to state that he wanted his \$17.50. Det. Lambert asked § 87(2)(b) to leave. § 87(2)(b) immediately left the location without incident. Det. Tejada did not speak to § 87(2)(b).

Subject Officer: DET. FRANCISCO TEJADA

- *Det. Francisco Tejada is a Hispanic male who stands 5'7" tall and weighs 190 pounds. He has brown hair and brown eyes. At the time of the incident, he was § 87(2)(b) old.*
- *On April 24, 2014, Det. Tejada worked in plainclothes from 8 a.m. until 4:15 .m. with Det. Lambert. He was assigned to the BRAM unit within the 79th Precinct. He worked in the 79th Precinct stationhouse.*

Memo Book (encl. D21)

Det. Tejada had no memo book entries regarding this incident.

CCRB Testimony

On June 27, 2014, Det. Tejada was interviewed at the CCRB (encl. D23-24). § 87(2)(g)

On April 24, 2014, at approximately 2 p.m., Det. Tejada walked into the BRAM office and saw Det. Lambert interviewing an individual, identified through the investigation as § 87(2)(b) in regards to a robbery. Det. Tejada continued to walk in and out of the office, allowing him to hear parts of the conversation. At no point did he speak to § 87(2)(b) or have any interaction with him.

§ 87(2)(b) stated that he was robbed by two individuals wearing dark clothing. He alleged that the individuals came up to his car, on one each side, with guns and took his license and car. § 87(2)(b) stated that he just wanted his license back. Det. Lambert questioned § 87(2)(b) about the vehicle. § 87(2)(b) stated that his mother got the car back. When Det. Lambert asked him how, he stated that he did not know. Det. Lambert told him that he was not going to take the report if he would not give him any details of the incident.

Det. Lambert told § 87(2)(b) that it was in his best interest to leave because otherwise he was going to be arrested if he was persistent in making the report. Det. Lambert told § 87(2)(b) to step out of the office. § 87(2)(b) left the office. Det. Lambert instructed him to leave more than once before he complied. Det. Tejada could not recall the exact number of times. Det. Tejada never intervened in attempt to get § 87(2)(b) to leave the office. Det. Tejada never saw Det. Lambert make a fist towards § 87(2)(b) and Det. Tejada did not do so himself.

NYPD Documents

Arrest Report (encl. F2-4)

On § 87(2)(b), § 87(2)(b) was arrested for § 87(2)(b) by Officer Andrew Ho of the 79th Precinct.

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of May 22, 2014 with regard to the incident (encl. F1).

Civilian's Conviction History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian's CCRB History

- § 87(2)(b) has filed the following CCRB complaint:

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject Officer's CCRB History

- Officer Keith Chatterton has been a member of the service for 14 years and there are two substantiated CCRB allegations against him (encl. B1-2).
 - In CCRB case #200508075, an allegation that Officer Chatterton made a retaliatory arrest was substantiated. He received instructions.
 - In CCRB case #201106011, an allegation that Officer Chatterton spoke rudely towards an individual was substantiated. He received a command B discipline.
- Det. David Lambert has been a member of the service for 15 years and there are no substantiated CCRB allegations against him. This is not the first CCRB complaint against Det. Lambert (encl. B3-4).
- Det. Francisco Tejada has been a member of the service for 9 years and there are no substantiated CCRB complaints against him. This is not the first CCRB complaint against Det. Tejada (encl. B5).

Conclusion

Identification of Subject Officers

§ 87(2)(b) identified Officer Chatterton by name from his nameplate and described him as a 6'0" tall white male with blue eyes and blond or light brown hair with a medium build of 186 pounds. Officer Chatterton is a 6'2" tall white male with blond hair, blue eyes and weighs 200 pounds. § 87(2)(g) [REDACTED]

§ 87(2)(b) alleged that Det. Tejada threatened to arrest him. § 87(2)(g)

§ 87(2)(b) Det. Lambert admitted to telling § 87(2)(b) that he could be arrested for filing a false police report and Det. Lambert and Det. Tejada both agree that Det. Tejada did not speak to § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that Det. Tejada, who had not been involved in questioning him, stood up with his hand in a fist in a “cocked back” motion. Det. Lambert and Det. Tejada both agreed that Det. Tejada had no verbal interaction with § 87(2)(b) § 87(2)(g)

Investigative Findings and Recommendations

Allegation A- Discourtesy: At the Transit District 30 stationhouse, PO Keith Chatterton spoke rudely to § 87(2)(b)

Allegation C- Abuse: At the 79th Precinct stationhouse, Det. Francisco Tejada threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that after reporting a robbery to Officer Chatterton, Officer Chatterton responded, “I don’t have time for this shit.” § 87(2)(b) also alleged that when he arrived to the 79th Precinct stationhouse and asked the detectives if they were calling him a liar, Det. Tejada stood up with his hand in a fist, in a “cocked back” motion.

Officer Chatterton stated that he did not say, “I don’t have time for this shit” or use any profanity. Officer McLeish did not recall if Officer Chatterton made that statement or used any profanity. Det. Tejada stated that he did not make a fist towards § 87(2)(b) and he did not have any interaction with him.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B- Abuse: At the 79th Precinct stationhouse, Det. David Lambert threatened to arrest § 87(2)(b)

It is undisputed that § 87(2)(b) attempted to file a police report with the false information that he was robbed at gunpoint. § 87(2)(b) admitted that the incident he was reporting was regarding his arrest on § 87(2)(b) by Officer Andrew Ho and his partner.

Det. Lambert stated that he explained to § 87(2)(b) that it is a misdemeanor to make a false report and that he could be arrested.

§ 87(2)(b)'s arrest report confirmed that § 87(2)(b) was arrested for § 87(2)(b) on § 87(2)(b) by Officer Andrew Ho.

A person is guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed or circulated to be false or baseless, he gratuitously reports to a law enforcement officer or agency the alleged occurrence of an offense or incident which did not in fact occur or false information relating to an actual offense or incident. Falsely reporting an incident in the third degree is a class A misdemeanor. Penal Law Code 240.50 (encl. A1-2).

§ 87(2)(g)

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]

§ 87(4-b), § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
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[Redacted]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date